

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA, :
 :
 Plaintiff, :
 :
 vs. : Case No. 2:21cr22
 :
 ROBERT W. WALTON, JR., : JUDGE SARGUS
 :
 Defendant. :

**DEFENDANT’S UNOPPOSED MOTION TO CONTINUE
TRIAL DATE, MOTION DEADLINES AND CASE SCHEDULING ORDER**

Now comes the defendant, Robert W. Walton, Jr., through counsel, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), and moves this Court to continue the trial date, motion deadlines and case scheduling order dated March 28, 2022 (ECF No. 28) for a period of an additional four months. Undersigned counsel submits that the requested extension would serve the interests of justice and that the time would be excludable pursuant to 18 U.S.C. §3161(h)(7)(A) and (B)(IV). Undersigned counsel has discussed this request with Assistant United States Attorney Peter Glenn-Applegate and he indicated that the Government does not object. The parties are proposing a trial date in March 2023.

Respectfully submitted,

/s/ Rasheeda Z. Khan
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Robert W. Walton, Jr.

MEMORANDUM IN SUPPORT OF MOTION

On February 25, 2021, the grand jury returned a two-count Indictment against Defendant Robert W. Walton, Jr., charging him with one count of wire fraud and one count of theft, embezzlement, or conversion from an employee benefit plan. On May 6, 2021, undersigned counsel was appointed as CJA counsel. The Government subsequently disclosed multiple voluminous rounds of discovery. Most recently, on October 6, 2022, the Government agreed to disclose a final round of voluminous discovery that includes extensive Jenks material, financial records and analysis, deposition transcripts, and investigative material from other local and federal agencies. These materials will need to be reviewed by defendant and analyzed by defendant's expert.

Since the date of undersigned counsel's appointment, the parties have been diligent in meeting to exchange discovery and negotiate the terms of a plea agreement. Over the last few months, the parties have met in person on multiple occasions to discuss the complex nature of the discovery and worked through complications associated with the voluminous electronic discovery. Furthermore, the parties remain in active discussions about resolution of this case short of trial. Defendant submits that this most recent disclosure of materials will assist with plea negotiations.

The trial on this matter is currently scheduled to take place on November 28, 2022. However, as explained above, additional time is needed to review the most recent disclosure and have the materials reviewed by defendant's expert. For these reasons, another continuance is warranted. Undersigned counsel proposes a continuance of additional time to allow her enough time to further evaluate the case, consult with her expert, and determine whether the case can be resolved short of proceeding to trial.

Counsel submits that the ends of justice served by granting the continuance outweigh the interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(7)(A). The failure to grant the requested continuance would deny counsel for the defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence. 18 U.S.C. § 3161 (h)(7)(B)(iv). Defendant has been continually advised of his constitutional and statutory right to a speedy trial and he agrees that a continuance is needed. Defendant expressly consented to the continuance on October 13, 2022.

WHEREFORE, for the reasons set forth above, Defendant Robert W. Walton, Jr., respectfully requests this Court grant this motion to continue and extend the trial date, motion deadlines and hearing dates for a period of four months. The parties are proposing a trial date in March 2023.

Respectfully submitted,

/s/ Rasheeda Z. Khan

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Attorney for Defendant

Robert W. Walton, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was electronically served upon Peter Glenn-Applegate, Assistant United States Attorney, Office of the United States Attorney, via the Court's electronic filing system on this 13th day of October, 2022.

/s/ Rasheeda Z. Khan